

TTAB

UNITED STATES PATENT AND TRADEMARK
OFFICE

Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, VA 22313-1451

GREAT BRANDS OF EUROPE, INC.
208 Harbor Drive,
Stamford, CT 06902
UNITED STATES

Mailed: December 22, 2006

Cancellation No. 92046807

Reg. No. 2523167

CHRISTINE L. LOFGREN, ESQ.
JEFFER MANGELS BUTLER & MARMARO LLP
1900 AVENUE OF THE STARS, 7TH FLOOR,
LOS ANGELES, CA 90067

FIJI WATER COMPANY LLC; PARAMOUNT
INTERNATIONAL EXPORT,
LTD.

01-16-2007

U.S. Patent & TM Office Mail Rept. DL #72

V.

GREAT BRANDS OF EUROPE, INC.

Monique Tyson, Paralegal Specialist:

A petition, a copy of which is attached, has been filed to cancel the above-identified registration.

Proceedings will be conducted in accordance with the Trademark Rules of Practice.

ANSWER IS DUE FORTY DAYS after the mailing date hereof.
(See Trademark Rule 2.196 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that affect the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12,

2003). Notices concerning the rules changes, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), are available at www.uspto.gov/web/offices/dcom/ttab/.

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

Discovery and testimony periods are set as follows:

Discovery period to open: 1/11/07

Discovery period to close: 7/10/07

30-day testimony period for party
in position of plaintiff to close: 10/8/07

30-day testimony period for party
in position of defendant to close: 12/7/07

15-day rebuttal testimony period
for plaintiff to close: 1/21/08

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). The notice is available at <http://www.uspto.gov>. Interlocutory matters which the

Board agrees to discuss or decide by phone conference may be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

ESTTA Tracking number:

ESTTA116110

Filing date:

12/21/2006IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following parties request to cancel indicated registration.

Petitioner Information

Name	Fiji Water Company LLC		
Entity	limited liability company	Citizenship	Delaware
Address	11444 West Olympic Boulevard, 10th Floor Los Angeles, CA 90064 UNITED STATES		

Name	Paramount International Export, Ltd.		
Entity	company limited by shares	Citizenship	Cayman Islands
Address	11444 West Olympic Boulevard, 10th Floor Los Angeles, CA 90064 UNITED STATES		

Attorney information	Christine L. Lofgren, Esq. Jeffer, Mangels, Butler & Marmaro LLP 1900 Avenue of the Stars, 7th Floor Los Angeles, CA 90067 UNITED STATES trademarkdocket@jmbm.com Phone:310-203-8080
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Registration Subject to Cancellation

Registration No	2523167	Registration date	12/25/2001
Registrant	GREAT BRANDS OF EUROPE, INC. 208 Harbor Drive Stamford, CT 06902 UNITED STATES		
Goods/Services Subject to Cancellation	Class 032. First Use: 1999/10/20 , First Use In Commerce: 1999/12/01 Goods/Services: BOTTLED SPRING WATER		

Attachments	663390005petitioncancel.pdf (1 page)(5367 bytes)
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Signature	/christine l lofgren/
Name	Christine L. Lofgren, Esq.
Date	12/21/2006

Fiji Water Company LLC, a Delaware limited liability company, having its principal office at 11444 West Olympic Boulevard, 10th Floor, Los Angeles, California 90064 ("Fiji") and Paramount International Export, Ltd. a Cayman Islands company limited by shares, having its principal office at 11444 W. Olympic Boulevard, 10th Floor, Los Angeles, California 90064 ("Paramount") (Fiji and Paramount are collectively referred to herein as "Petitioners"), believe that they will be damaged by the continued registration of the mark UNTOUCHED BY MAN. PERFECT BY NATURE in Registration No. 2,523,167 in connection with "bottled spring water" in Class 32, for which the owner of record is Great Brands of Europe, Inc. ("Registrant"), and Petitioners hereby petition for cancellation of said registration.

As grounds for the cancellation, it is alleged that:

1. Petitioners desire to use UNTOUCHED BY MAN in connection with bottled water.
2. On information and belief, Registrant has discontinued use of the mark UNTOUCHED BY MAN. PERFECT BY NATURE with no intent to resume said use, thus abandoning the mark and rendering the registration cancellable.
3. Petitioners' legal use of UNTOUCHED BY MAN will be impaired by continued registration of Registrant's mark and thus, Petitioners believe they will be damaged by continuance of Registrant's registration.

WHEREFORE, Petitioners respectfully request that this Cancellation be sustained and that Registrant's registration be cancelled.

United States Patent and Trademark Office

Commissioner for Trademarks

P.O. Box 1451

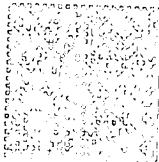
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